

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

PENNY L. BYERS,

Plaintiff

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

Case No. 4:04cv00019

AMENDED ORDER

This action is before this Court on the Motion for Approval of Attorney's Fee under the **Equal Access to Justice Act 28 U.S.C. § 2412(d)**. (Order of July 12, 2005, had an incorrect cite.)

Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The Report and Recommendation filed by the U. S. Magistrate Judge on June 22, 2005, is hereby **ADOPTED**.

2. Counsel for plaintiff is hereby awarded attorneys' fees in the amount of \$5,150.00. The Commissioner is directed to withhold this amount from the plaintiff's award and to transmit the funds to plaintiff's attorneys.

The Clerk is directed to send a certified copy of this order to all counsel of record and to Magistrate Judge B. Waugh Crigler.

ENTERED this 14<sup>th</sup> day of July, 2005.

s/Jackson L. Kiser  
Senior United States District Judge